

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK NALI,

Plaintiff,

v.

Case No. 06-10205

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

HONORABLE AVERN COHN

Defendants.

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ORDER
DENYING PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S
ORDERS GRANTING DEFENDANTS' MOTION TO STAY DISCOVERY AND ORDER
GRANTING DEFENDANTS' MOTION FOR ACCESS TO PLAINTIFF'S MEDICAL
RECORDS AND FOR PLAINTIFF TO PROVIDE GRIEVANCES
AND
DENYING PLAINTIFF'S MOTION TO DISQUALIFY MAGISTRATE JUDGE

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is pro se. On January 17, 2006, plaintiff filed a 23 page complaint naming 23 defendants with 269 paragraphs and 164 pages of exhibits. The matter has been referred to a magistrate judge for pre-trial proceedings which have been protracted.

II.

On July 30, 2007, certain defendants filed a motion to dismiss or for summary judgment on the grounds plaintiff failed to exhaust his administrative remedies.¹

¹Plaintiff responded to the motion. The magistrate judge has not yet issued a report and recommendation as to this motion.

On July 31, 2007, the magistrate judge issued an order granting certain defendants' motion to stay discovery.

On August 20, 2007, the magistrate judge issued an order denying plaintiff's motion for discovery and for an evidentiary hearing because (1) discovery has been stayed and (2) certain defendants filed a dispositive motion.

On January 8, 2008, the magistrate judge issued an order granting defendants CMS and Dr. Nino's motion for access to plaintiff's medical records and for plaintiff to provide grievances.

III.

On January 16, 2008, plaintiff filed a paper styled "Motion to Set Aside Order or Stay Order and Motion to Disqualify Magistrate Virginia Morgan from Plaintiff's Case and Brief Thereof."

As best as can be gleaned, plaintiff objects to the magistrate judge's January 8, 2008 order directing him to provide certain information to defendants CMS and Dr. Nino in light of the July 31, 2007 order staying discovery and August 20, 2007 order denying plaintiff's discovery motions. Plaintiff's objections are not well taken. The July 31, 2007 order relates to defendants other than CMS and Dr. Nino and, as the magistrate judge explained in the January 8, 2008 order, the information sought by CMS and Dr. Nino is necessary in order for those defendants to prepare a defense on the grounds of exhaustion. In short, the magistrate judge did not err in entering the January 8, 2008 order.

As to plaintiff's request for disqualification, the Court finds no basis for disqualifying the magistrate judge.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 23, 2008

I hereby certify that a copy of the foregoing document was mailed to Magistrate Judge Virginia Morgan, attorneys of record and Frank Nali, 449422, Hiawatha Correctional Facility, 4533 West Industrial Park Drive, Kincheloe, MI 49786-0001 on this date, January 23, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160